

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-20138 - APPLICANT: STEVE OKOSISI AND SUSAN
NWOGBE - OWNER: TECH RETAIL CENTER

NOTE: THE APPLICANT HAS REQUESTED THIS APPLICATION BE WITHDRAWN WITHOUT PREJUDICE

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-2457), and Site Development Plan Review (SDR-2458) if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment in conjunction with a proposed restaurant in a 1,636 square foot space within an approved 14,000 square foot shopping center (SDR-2458) at 2400 N Buffalo Road, Suite #145 in a C-1 (Limited Commercial) zone.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/05/2004	The City Council approved a rezoning (ZON-2457)
05/05/2004	The City Council approved a Site Development Plan Review (SDR-2458) for two commercial buildings on the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive.
05/05/2004	The City Council approved a Special Use Permit for a liquor establishment (Tavern) and a waiver from the 1,500 foot distance separation requirement from an existing school.
04/12/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #82/lhm).
<i>Related Building Permits/Business Licenses</i>	
12/29/04	Construction permit for a shopping center
01/06/06	Kitchen expansion T.I. remodel
10/14/2005	Becker Steakhouse - Suite 125 (C20-02239, G01-02240, L16-00033, R09-01330)
06/26/2006	Suite 105 - Sweet Cheeks Paper (G04-06215)
11/20/2006	Forever Fit – Suite 110 (H08-00058)
02/23/2007	Tacone Flavor Grill – Suite 145 (L09-90835 – Denied by Planning on 03/07/2007 and Fire 02/23/07 – License is pending; R09-90833 – Approved by Planning on 03/07/2007 and Denied by Fire 02/23/07 – License is pending)
<i>Pre-Application Meeting</i>	
02/16/07	A pre-application meeting was held with the applicant at which time the requirements for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment was discussed.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting is not required for a Special Use Permit application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.04 acres
Net Acres	1.99 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Center	SC (Service Commercial)	C-1(Limited Commercial)
North	Business Park	LI/R (Light Industrial/Research)	C-PB(Planned Business Park)
South	Retail Center	SC (Service Commercial) & ML (Medium Density Residential)	R-CL(Residential - Compact Lot)
East	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC(Service Commercial) General Plan Designation]
West	Residential & Las Vegas Valley Water District Facility	ML (Medium Density Residential) and PF (Public Facilities)	R-PD5 (Residential Planned Development – 5 DUA) & C(Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial Center	14,000 Square Feet	1:250	56	3	117	5	Y
Restaurant 1,636 Square Feet	800 sf Public Space & Remaining Space	1/50 1/200	16 4	1			
SubTotal			20	1			Y
TOTAL (including handicap)			20	1	117	5	

Protected Uses	Minimum Separation Distance Required	Provided	Compliance
7401 Smoke Ranch - Church	400 feet	640 feet	Y
2301 North Tenaya – High School	400 feet	1018 feet	Y
7460 Caliche Way – City Park	400 feet	812 feet	Y

ANALYSIS

- General**

The proposed restaurant is located at 2400 North Buffalo Drive, Suite #145, and is a 1,636 square-foot (approximate) restaurant with 800 square feet (approximate) serving as a public dining area and the remaining 836 square feet (approximate) as kitchen prep and service areas. The proposed restaurant provides seating for 50 patrons, exceeding the 45-seat minimum conditional requirement for a Special Use Permit. Because the applicant meets or exceeds all requirements of this Special Use, staff recommends approval of this request.

This restaurant is part of an approved 14,000 square foot commercial shopping center (SDR-2458), that is on the northeast corner of Buffalo Drive and Smoke Ranch Road. A 3,750 square foot restaurant is located within the existing center, requiring 40 parking spaces. The remaining 8,614 square feet of retail space will require 35 additional parking spaces. The total number of parking spaces needed for the uses within this center is 95 spaces. Adequate parking is provided.

- **Zoning**

The subject property is zoned C-1 and located within a small retail shopping center. The proposed Beer/Wine/Cooler On-Sale Establishment, with approval of a Special Use Permit, is a permissible use in the C-1 Zoning District.

- **Conditions**

BEER/WINE/COOLER ON-SALE ESTABLISHMENT [Special Use in Zones C-1, C-2, C-M, M]

Minimum Special Use Permit Requirements:

- (1) Except as otherwise provided in this Chapter, no beer/wine/cooler on-sale establishment (hereinafter “establishment”) shall be located within 400 Feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- (2) Except as otherwise provided in Requirement (3) below, the distances referred to in Requirement (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - (a) Any leasehold parcel; or
 - (b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement (1).
- (3) In the case of an establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Requirement (1) shall be measured in a straight line:
 - (a) From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

- (b) In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- (4) When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph (1), the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- (5) The minimum distance requirements in Paragraph (1) do not apply to:
 - (a) An establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
 - (b) A proposed establishment having more than fifty thousand square feet of retail floor space.
- (*6) All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The proposed use meets all of the distance separation requirements contained above. Further, as a Beer/Wine/Cooler On-Sale Establishment is defined as “An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine, and coolers for consumption only in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools,” it is noted that the floor plan depicts seating for 50 patrons.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**
2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**
5. **The use meets all of the applicable conditions per Title 19.04.**

In regard to “1”:

The proposed use will be located in a restaurant within a retail shopping center, which is intended to have commercial uses. As there are no protected uses located within 400 Feet of the proposed Beer/Wine/Cooler On-Sale Establishment this use could be conducted in a manner that is harmonious and compatible with surrounding land uses.

In regard to “2”:

With implementation of the proposed conditions, there is no evidence of any physical constraint to the location of the proposed Beer/Wine/Cooler On-Sale Establishment in conjunction with a 1,636 square foot restaurant on the subject site.

In regard to “3”:

The subject site is located on the northeast corner of Buffalo Drive, and Smoke Ranch Road, both 100-Foot Primary Arterials on the Master Plan of Streets and Highways, and of adequate capacity to serve the proposed use.

In regard to “4”:

This site will be subject to inspections and business licensing requirements and will not endanger the public health or general welfare.

In regard to “5”:

The proposed use is in compliance with all conditions of Title 19.04. The site is not within 400 Feet of a church, synagogue, school, child care facility licensed for more than 12 children or a city park. The subject site is a proposed restaurant with seating for 50 patrons in a C-1 zone, which is allowed with an approved Special Use Permit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

4

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 266 by City Clerk

APPROVALS 0

PROTESTS 0